IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 12756 of 2004

Between:

B. Kesava Rao S/o Late Paidaiah
M/s. Apex Asbestos Products, R/o Plot No. 48, Tyaqaraya Nagar,
Dr. A.S.Rao nagar, Hyderabad

..... PETITIONER

AND

1 The Chief General Manager (Commercial) APSPDC. Ltd., Renukunta Road, Tirupathi, Chittoor District
2 Y. Prabhakar Reddy, S/o Y. Hanumantha Reddy
R/o H. No. 1-7-578/2, Gemini Colony, Ramnagar, Hyderabad
3 P. Dinesh Kumar, S/o P. Krishna Rao,
R/o Plot No. 28-A, Road No.12, Jubilee Hills, Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, especially one in the nature of Writ of Mandamus declaring the action of the 1st respondent in trying to release the payment of M/s. Apex Asbestos Products of Hyderabad when there is dispute among the partners and inspite of representations dt 07-06-2003 and 15-10-2003 as illegal, intentional, malafide, arbitrary, and consequently direct the 1st respondent not to release the payment till the dispute is settled among the partners

Counsel for the Petitioner:MR.K.V.BHANU PRASAD

Counsel for the Respondent No.: SMT.M.VINOBHA DEVI

The Court made the following <u>ORDER</u>:

As can be seen from the affidavit filed in support of the writ petition, the dispute is only among the partners of Apex Asbestos Products Partnership Firm. On the basis of the material on record, the petitioner failed to establish any legal right in his favour. There is neither an allegation of infringement of any legal right nor any case is made out to show that the 1st respondent has acted in breach of any statutory obligation. The matter does not involve any public law element and therefore the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India cannot be invoked.

Accordingly, the Writ Petition is dismissed, granting leave and liberty to the petitioners to work out appropriate remedy available under common law. No costs.

22-07-2004

GJ

To

1 The Chief General Manager (Commercial) APSPDC. Ltd., Renukunta Road, Tirupathi, Chittoor District.
2. Two C.D.copies.